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OFFICE OF PETITIONS

VENTURE PACIFIC LAW, PC
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SANTA CLARA, CA 95054

In re Application of :
Chuanfu Wang, et al. :
Application No. 10/823,931 :
Filed: April 14, 2004 :
Attorney Docket No. BYD-US2003-008 :
ON PETITION

This is a decision on the renewed petition, filed September 10, 2009, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

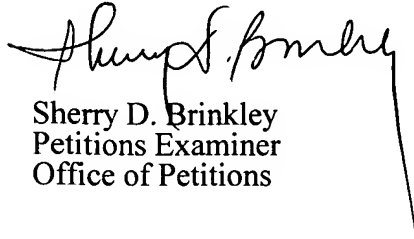
The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed September 19, 2006, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was mailed on May 30, 2007. In response, on April 20, 2009, a petition under 37 CFR 1.137(b) was filed; however, the petition was dismissed in a decision mailed June 10, 2009. On September 10, 2009, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of \$1,620; and (3) an adequate statement of unintentional delay.

This application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." *See Changes to Patent Practice and Procedure*, 62 *Fed. Reg.*, at 53160 and 53178; 1203 *Off. Gaz. Pat. Office*, at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the U.S. Patent and Trademark Office).

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

The application is being referred to Technology Center AU 1751 for consideration of the response filed April 20, 2009.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions